



Texas

Debra Spisak
Clerk of the Court
Court of Appeals for the Second District of Texas
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FILED IN
2nd COURT OF APPEALS
FORT WORTH, TEXAS
9/26/2019 3:49:23 PM
DEBRA SPISAK
Clerk

Re: *Crystal Mason v. State of Texas*, No. 02-18-0038-CR

Dear Ms. Spisak,

For the Court's convenience, counsel for Appellant submits this short letter to provide the Court with sourcing for a representation made at oral argument on September 10, 2019. At argument, counsel referred to the large number of individuals whose provisional ballots were rejected in Texas because they were incorrect about their eligibility to vote in a specific political subdivision or precinct, despite affirming such facts under oath and providing their residential address on their provisional ballots.

Pursuant to data collected by the federally created Election Assistance Commission (EAC)¹ from its 2016 and 2018 Election Administration and Voting

¹ EAC collects state-by-state, jurisdiction-by-jurisdiction data on a variety of administration topics, including the number of provisional ballots cast, the number rejected, and the reasons for those rejections. See U.S. EAC, EAVS FAQs, <https://www.eac.gov/research-and-data/eavs-faqs/>.

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Survey (EAVS),² in the 2016 general election, 67,273 provisional ballots were submitted in Texas. 54,850 were rejected, and, of the rejected ballots, 44,046 (80.3%) were rejected because the individual was not registered in the relevant precinct or subdivision. In Tarrant County, 4,463 provisional ballots were submitted. 3,990 were rejected, and 3,942 (98.8%) of those rejected ballots were for not being registered in the relevant precinct or subdivision.

In the 2018 general election, 54,179 provisional ballots were submitted in Texas. 40,834 were rejected, and, of those rejected ballots, 31,837 (78.0%) were rejected for not being registered in the relevant precinct or subdivision. In Tarrant County, 4,321 provisional ballots were submitted. 3,800 were rejected, and 3,754 (98.8%) of rejected ballots were for not being registered in the relevant precinct or subdivision.³

Thank you for your consideration.

² See EAVS 2016 Dataset, https://www.eac.gov/assets/1/6/EAVS_2016_Final_Data_for_Public_Release_v4_xls1.zip; EAVS 2018 Dataset, https://www.eac.gov/assets/1/6/EAVS_2018_for_Public_Release.xlsx

³ The number of provisional ballots rejected by reporting counties in Texas due to not being registered in the precinct is calculated by adding together the number of ballots rejected for those who submitted provisional ballots but were not registered in the state, were registered in the state but were in the wrong jurisdiction, or were registered in the state but were in the wrong precinct. See U.S. EAC, 2018 EAVS Instrument at U.S. EAC at 23-24, *available at* https://www.eac.gov/assets/1/28/2016_EAVS_Instrument.pdf; 2018 EAVS Instrument at 31-33, *available at* https://www.eac.gov/assets/1/6/2018_EAC_Election_Administration_and_Voting_Survey_Instrument.pdf.

Sincerely,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Appellant's Letter has been served on Appellee's counsel of record via e-service on this the 26th day of September, 2019.

/s/Thomas Buser-Clancy
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